

104TH CONGRESS
1ST SESSION

S. 1156

To direct the Secretary of Agriculture to make a land exchange in the State of Montana, and for other purposes.

IN THE SENATE OF THE UNITED STATES

AUGUST 10 (legislative day, JULY 10), 1995

Mr. BURNS introduced the following bill; which was read twice and referred to the Committee on Energy and Natural Resources

A BILL

To direct the Secretary of Agriculture to make a land exchange in the State of Montana, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. DEFINITIONS.**

4 In this Act:

5 (1) CHURCH.—The term “Church” means the
6 Church Universal and Triumphant.

7 (2) SECRETARY.—The term “Secretary” means
8 the Secretary of Agriculture.

9 (3) SPECIFICATIONS DOCUMENT.—The term
10 “specifications document” means the document enti-

1 tled “Church/Forest Service Land Exchange Speci-
2 fications” agreed to by the Church and the Sec-
3 retary under section 2(b)(3).

4 **SEC. 2. LAND EXCHANGE.**

5 (a) IN GENERAL.—Notwithstanding any other law, if
6 an offer is made under subsection (b), the Secretary shall
7 acquire by exchange certain lands and interests in land
8 owned by the Church, its successors and assigns, located
9 in the Yellowstone Controlled Groundwater Area and
10 Corwin Springs Known Geothermal Resource Area of the
11 Gallatin National Forest.

12 (b) OFFER AND ACCEPTANCE OF LAND AND INTER-
13 ESTS IN LAND.—

14 (1) NON-FEDERAL LANDS AND INTERESTS IN
15 LAND.—If the Church offers—

16 (A) title that is acceptable to the United
17 States to all right, title, and interest to approxi-
18 mately 26 acres of land owned by the Church
19 as depicted on the maps entitled “Church/For-
20 est Services Land Exchange Proposal”, dated
21 July 1994;

22 (B) all right, title, and interest to the sub-
23 surface regulated resources estate on all Church
24 properties within the Yellowstone Controlled
25 Groundwater Area;

1 (C) a perpetual public access road and util-
2 ity easement 60 feet wide, plus allowance for
3 cuts and fills, over Church property to the Gal-
4 latin National Forest lands in the Cutler Home-
5 stead/Sentinel Butte area, as depicted on the
6 maps described in subparagraph (A); and

7 (D) other rights and covenants in accord-
8 ance with the terms of the specifications docu-
9 ment,

10 the Secretary shall accept a warranty deed to the
11 land described in subparagraph (A), a special war-
12 ranty deed to the regulated resources described in
13 subparagraph (B), State water rights transfer docu-
14 ments, and any other such instruments as are nec-
15 essary to transfer the property interests described in
16 subparagraphs (A), (B), (C), and (D).

17 (2) FEDERAL LAND AND INTERESTS IN
18 LAND.—

19 (A) IN GENERAL.—On acceptance by the
20 Secretary of title to the lands, interests, and
21 rights and covenants offered by the Church
22 under paragraph (1)—

23 (i) the Secretary shall convey by pat-
24 ent to the Church, subject to all valid ex-
25 isting rights, and a reservation to the

1 United States of all regulated resources,
2 title to approximately 11 acres within the
3 Gallatin National Forest, as depicted on
4 the maps described in paragraph (1)(A);

5 (ii) the Secretary shall convey an
6 easement to the Church granting the right
7 to collect and transport across Federal
8 land the natural unenhanced surface flow
9 at LaDuke Hot Springs from its source to
10 the east bank of the Yellowstone River as
11 depicted on the maps described in para-
12 graph (1)(A), and the United States shall
13 withdraw all of its water rights claims and
14 objections filed with regard to LaDuke Hot
15 Springs in pending water rights adjudica-
16 tions under Federal and State law;

17 (iii) the Secretary shall grant to the
18 Church standard Forest Service right-of-
19 way authorizations for roads across Na-
20 tional Forest System land as generally de-
21 picted on the maps described in paragraph
22 (1)(A) and further defined by the specifica-
23 tions document; and

24 (iv) the Secretary shall grant to the
25 Church other rights and covenants in ac-

1 cordance with the terms of the specifica-
2 tions document.

3 (B) SURVEYS.—Surveys prepared to stand-
4 ards approved by the Secretary shall be fur-
5 nished by the Church for the affected Federal
6 and non-Federal lands and surface interests
7 prior to conveyance of the Federal lands and in-
8 terests under subparagraph (A).

9 (3) SPECIFICATIONS DOCUMENT.—

10 (A) IN GENERAL.—A document entitled
11 “Church/Forest Service Land Exchange Speci-
12 fications”, jointly developed and agreed to by
13 the Secretary and the Church shall define the
14 non-Federal and Federal lands and interests to
15 be exchanged under this Act, including legal de-
16 scriptions of lands and interests in land and
17 other terms, conditions, and covenants.

18 (B) LIMITATION.—The specifications docu-
19 ment shall not include any minimum surface
20 flow requirements to the Yellowstone River
21 from LaDuke Hot Springs.

22 (C) SUBMISSION TO CONGRESS.—The Sec-
23 retary shall submit a copy of the completed
24 specifications document to the Committee on
25 Energy and Natural Resources of the Senate

1 and the Committee on Resources of the House
2 of Representatives, and the specifications docu-
3 ment shall take effect 60 days thereafter.

4 (c) TITLE.—

5 (1) REVIEW OF TITLE.—Within 90 days after
6 receipt of the approved surveys and title documents
7 from the Church, the Secretary shall review the title
8 for the non-Federal lands described in subsection
9 (b)(1) and determine whether—

10 (A) the applicable title standards for Fed-
11 eral land acquisition have been satisfied; and

12 (B) all draft conveyances and closing docu-
13 ments have been received and approved.

14 (2) CORRECTIVE ACTION.—If the quality of title
15 does not meet Federal standards or is otherwise un-
16 acceptable to the Secretary, the Secretary shall ad-
17 vise the Church regarding corrective actions nec-
18 essary to cure title defects.

19 (3) CONVEYANCE OF TITLE.—The conveyance
20 to the Church of lands described in subsection
21 (b)(2)(A) shall be completed not later than 90 days
22 after the Secretary approves title.

23 **SEC. 3. GENERAL PROVISIONS.**

24 (a) CORRECTION OF ERRORS IN MAPS.—The maps
25 described in section 2(b)(1)(i) are subject to correction of

1 any technical error in describing the lands and interests
2 in land to be exchanged under this Act.

3 (b) AVAILABILITY FOR PUBLIC INSPECTION.—The
4 maps described in section 2(b)(1)(i) and the specifications
5 document shall be on file and available for public inspec-
6 tion in the Office of the Chief of the Forest Service, in
7 Washington, D.C.

8 (c) NATIONAL FOREST SYSTEM LANDS.—All lands
9 and interests in land conveyed to the United States under
10 this Act shall be administered in accordance with the laws
11 (including regulations) pertaining to the National Forest
12 System.

13 (c) VALUATION.—The value of the lands and inter-
14 ests in lands to be exchanged under this Act are deemed
15 to be equal, and no appraisal shall be required.

